

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

Case No.: 11CR133BBC

v.

THOMAS R. VALLEY,

Defendant.

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AFFIDAVIT IN SUPPORT OF MOTION FOR CONTINUANCE

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State of Wisconsin    )  
                                  ) ss  
County of Dane        )

Gregory N. Dutch, being first duly sworn, on oath, deposes and states as follows:

1.       Undersigned counsel is the attorney defendant, Thomas R. Valley (hereinafter VALLEY).
2.       Currently, motions for the above case are scheduled to be filed on or about Monday, November 26, 2012.
3.       Undersigned counsel hereby requests that that date, along with the trial date which is currently scheduled for February 25, 2013 be continued to sometime to late spring of 2013.

4. Undersigned counsel has just recently received redacted discovery from the Government and has now shared that with VALLEY who is in the process of reviewing the documents.

5. Undersigned counsel has not had the opportunity to speak with VALLEY specifically in regards to the discovery.

6. Undersigned counsel has a week long trial in State Court that will begin on Tuesday, January 22, 2013, which will take up a significant amount of time.

7. Undersigned counsel is still unsure as to how VALLEY wishes to proceed and what defenses he and undersigned counsel wish to focus on in regards to the case.

8. Undersigned counsel has met with VALLEY on many occasions, and the two parties are having difficulty focusing on the issues, discovery, and possible defenses.

9. Undersigned counsel would request a set-over for him and VALLEY to go over the discovery in more detail, determine a course of action, determine a defense, and to allow for adequate time to prepare for the case.

10. Undersigned counsel has spoken with Assistant United States Attorney Elizabeth Altman and she has no objection to the set-over.

Dated this 27<sup>th</sup> day of November, 2012.

s/  
Gregory N. Dutch; SBN 1017735  
Attorney for Defendant Thomas R. Valley  
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Subscribed and sworn to before me  
this 27<sup>th</sup> day of November, 2012.

s/  
Judith Petsch; Notary Public, State of Wisconsin  
My Commission: expires 7/21/2013